

# **INSTRUCTIONS FOR COMPLETING THE SELF-REPRESENTED LITIGANT VISITATION PACKET**

## **DEFENDANT**

The Plaintiff is the parent who wants visitation and files the case with the Court. The Defendant is the other parent or person with custody of the child or children, also known as the custodial party. **The instructions in this packet are for the Defendant.**

**WARNING: You are strongly encouraged to seek the advice of an attorney before filing any legal matter.** This packet is designed to provide information and forms to people who are representing themselves in court. If you proceed without an attorney, it may negatively affect your legal rights. If you are unsure whether to proceed, or have questions about these forms or your legal rights, please consult an attorney. Please note that clerks of court, court staff, and judges may give you information about the court and its procedures but cannot give you legal advice.

**DISCLAIMER:** The information in this packet is not legal advice and cannot replace the advice of competent legal counsel licensed in your state. Visitation laws vary from state to state and the information contained in this packet is specific to South Carolina. Please note that the information contained in this packet is subject to change. Before filing, make sure that you have the most current version at [www.sccourts.org](http://www.sccourts.org).

**The information in this packet is intended for use by parents seeking visitation and is not intended for use by grandparents or other relatives seeking visitation. It is recommended that a grandparent or other relative seek advice from an attorney to seek visitation.**

The following instructions will help you file an Answer for visitation in South Carolina without an attorney. This is called *pro se* or self-represented litigant (SRL). While the self-represented litigant may not incur the attorney expense, someone acting without an attorney does not have the expert guidance that an attorney can provide. The other party may choose to hire an attorney. Depending on the outcome, you may be required to pay the other party's attorney's fees and costs.

If you do not know an attorney who can assist you, you may call the South Carolina Bar's Lawyer Referral Service at 1-800-868-2284 and ask for a Family Law attorney in your county. Members of the South Carolina Bar's Lawyer Referral Service have been in practice for more than 3 years, are in good standing, have provided proof of malpractice insurance, and have agreed to provide a 30 minute consultation for no more than \$50. If you cannot afford an attorney, you may contact South Carolina Legal Services (SCLS) through the Legal Aid Telephone Intake Service at 1-888-346-5592. Please note that to qualify for a legal aid attorney through SCLS, your income must not be more than 125% of the Federal Poverty Guidelines.

## **PART 1: YOUR ROLE AS A DEFENDANT**

The other parent, who is the Plaintiff in this case, has filed for visitation. The Plaintiff must serve documents to on you in one of five ways:

- By the Sheriff's office;
- By a private process server;
- By commercial delivery from a company like UPS or FedEx;
- By Certified U.S. Mail, Return Receipt Requested, Restricted Delivery; or
- If you voluntarily accept the Summons and Complaint from the Plaintiff and sign an Acceptance of Service.



**Once you are served with the documents you have 30 days to complete and file your paperwork with the Clerk of Court.**

## **PART 2: COMPLETING YOUR PAPERWORK**

The following forms are included in this packet:

1. Defendant's Answer (SCCA 400.48 SRL-VIS)
2. [Financial Declaration Form \(SCCA 430\)](#)
3. Affidavit of Service by Mailing (Answer) (SCCA 400.49 SRL-VIS)

Fill in the name of the county where the case was filed in the upper left hand corner of each of these documents. Print the name of the child(ren)'s other parent in the blank above the word Plaintiff. Then print your name in the space labeled Defendant. Fill in the docket number found on the Complaint. This section of all legal forms is called the caption. **This caption should be completed on all forms filed with the court.**

+	STATE OF SOUTH CAROLINA	)	IN THE FAMILY COURT
	COUNTY OF [ ]	)	[ ] JUDICIAL CIRCUIT
	[ ]	)	
	_____	)	<b>DEFENDANT'S ANSWER</b>
	vs.	)	(Visitation)
	[ ]	)	
	_____	)	Docket No. [ ]
	Defendant.	)	

**You must file your answer with the same Clerk of Court where the Complaint was filed. A chart showing the addresses and phone numbers of the Clerks of Court is on pages 6-7.**

## Defendant's Answer

Read the Complaint carefully and complete the Answer to the best of your abilities. Read each numbered paragraph in the Complaint. Find the matching numbered paragraph in the Answer. You will have the chance to agree or disagree (admit or deny) with each claim made by the Plaintiff.

- If you admit (agree with) each and every statement in that paragraph of the Complaint, check the box in the Answer next to "admits each and every statement."
- If you deny (disagree with) each and every statement in that paragraph of the Complaint, check the box in the Answer next to "denies each and every statement."
- If you agree with part of the claim in that paragraph of the Complaint, but not all of it, check the box in the Answer next to "admits paragraph except for the following" and write in the part that you disagree with.

**COMPLAINT**

The Plaintiff would respectfully show that:

1. Plaintiff lives in \_\_\_\_\_(city), \_\_\_\_\_ County,  
\_\_\_\_\_(state).

2. \_\_\_\_\_

3. \_\_\_\_\_

**ANSWER**

The above named Defendant files the following Answer to the Complaint (Visitation):

1. As to paragraph 1 in the Complaint, Defendant

admits each and every statement  
 denies each and every statement  
 admits paragraph 1 except for the following: \_\_\_\_\_.

Defendant denies the remaining statements in paragraph 1.

2. As to paragraph 2 in the Complaint, Defendant

admits each and every statement  
 denies each and every statement  
 admits paragraph 2 except for the following: \_\_\_\_\_.

Defendant denies remaining statements in paragraph 2.

3. As to paragraph 3 in the Complaint, Defendant

- If you have more information you want the Judge to consider, add your request to the blank lines below paragraph number 7.

## Financial Declaration

The Financial Declaration (SCCA 430) asks questions about the finances of both parties. Only fill out the sections of the form that apply to you. Attach a copy of your most recent pay stub or benefits statement. Fill in your gross monthly income. This is the amount of money you earn

before taxes, social security, or any deductions are taken out. When figuring your monthly income and expenses, multiply any weekly amounts by 4.33 to get the monthly amount.



**Do not sign this form until you are in front of a notary public.**

The notary must watch you sign the documents and provide the notary's seal. You will need to bring picture identification. You can find a notary at a bank, funeral home, post office, or courthouse. The notary may charge no more than a \$5 fee per form (cash only). Below is an image of a notary block. If you see this on a form, it must be notarized.

SWORN to before me this  
\_\_\_\_\_ day of \_\_\_\_\_, 201\_\_

\_\_\_\_\_  
Notary Public for South Carolina  
My Commission Expires: \_\_\_\_\_

File the Answer and Financial Declaration Form with the Clerk of Court's office in the county where the Complaint was filed. Take the originals and two copies to that Clerk of Court's office. Ask the Clerk to clock both the originals and copies of the forms. The Clerk will keep the original forms and will return two clocked copies of each form to you.

Mail a clocked copy of both the Answer and Financial Declaration Form to the Plaintiff or to the Plaintiff's attorney by first class mail. Keep the other clocked copies for your files.

**Affidavit of Service by Mailing**

After you have mailed the Answer and Financial Declaration form, complete the Affidavit of Service by Mailing. Complete the form by filling in the date and address. You cannot fill out the Affidavit of Service until you have filed and mailed the Answer and Financial Declaration. Do not sign this form until you are in front of a notary public. File the original Affidavit of Service Mailing with the Clerk of Court and keep one copy for your files.

## **PART 3: THE HEARING**

### **On the day of your hearing:**

- (1) Arrive at the courthouse at least thirty (30) minutes prior to your scheduled time.
- (2) Bring copies of your court documents.
  - If you have any other documents that you want the Judge to see, bring the original and two copies to court.
- (3) Dress appropriately.
  - Appropriate dress includes suits, jackets, dresses, dress slacks, and neatly tucked shirts.
  - Do NOT wear casual clothing such as sweat clothes, tank tops, shorts, and similar summer beachwear.
  - Remove hats when entering the courthouse, unless they are required for a medical condition.
- (4) Make arrangements for a responsible adult to watch your child(ren) while you are in court.
- (5) Turn off your cell phone.

When it is time for the hearing, the Courtroom Deputy will call the Plaintiff's name. At that time, enter the courtroom and wait for instructions. The Plaintiff will present his/her case first. You should only speak when asked to do so. You will have the opportunity to question the Plaintiff and witnesses. After the Plaintiff and witnesses have testified, you will be given an opportunity to testify and present witnesses for your case. Before you begin, you will be sworn in.

If you are concerned for the care or safety of the child(ren) be prepared to explain this to the Judge. You may ask the Judge to limit visitation or for supervised visitation. Limited visitation may be only a couple of hours at a time, no overnight visits, or held in a public place (fast food restaurant, DSS, etc.). Supervised visitation means that a third party (friend, relative, etc.) must be present at all times when the Plaintiff visits with the child(ren). If you and the Plaintiff agree on a person who is willing and able to supervise, you can tell the Judge. If you cannot agree on a person, the Judge will pick someone for you.

The Judge may stop you from time to time to ask you a question. Listen carefully, and answer the questions the Judge asks you. If you have documents you want the Judge to see, hand the original and a copy to the Courtroom Deputy who will give the original to the Judge and a copy to the Plaintiff. At the end of the hearing, the Judge may tell you the decision and sign an order or state that a decision will come later. The Clerk of Court will provide you and the Plaintiff or the Plaintiff's attorney with a copy of the order. If the Judge does not sign the order at the hearing, a copy will be mailed to you.

**FAMILY COURT CLERK OF COURT ADDRESSES**

<b>County</b>	<b>Judicial Circuit</b>	<b>Physical Address</b>	<b>Phone Number</b>
Abbeville	8 <sup>th</sup>	102 Court Sq., Abbeville, SC 29620	864-366-5312
Aiken	2 <sup>nd</sup>	109 Park Ave., SE, Aiken, SC 29801	803-642-1715
Allendale	14 <sup>th</sup>	292 Barnwell Hwy. Allendale, SC 29810	803-584-2737
Anderson	10 <sup>th</sup>	100 S. Main St., Anderson, SC 29624	864-260-4053
Bamberg	2 <sup>nd</sup>	2959 Main Hwy., Bamberg, SC 29003	803-245-3025
Barnwell	2 <sup>nd</sup>	141 Main St., Barnwell, SC 29812	803-541-1020
Beaufort	14 <sup>th</sup>	102 Ribaut Rd., Beaufort, SC 29902	843-255-5050
Berkeley	9 <sup>th</sup>	300 California Ave., Moncks Corner, SC 29461	843-719-4406
Calhoun	1 <sup>st</sup>	902 South F. R Duff Dr., St. Matthews, SC 29135	803-874-3524
Charleston	9 <sup>th</sup>	100 Broad St., #106, Charleston, SC 29401	843-958-5000
Cherokee	7 <sup>th</sup>	125 E. Floyd Baker Blvd., Gaffney, SC 29340	864-487-2571
Chester	6 <sup>th</sup>	140 Main St., Chester, SC 29706	803-385-2605
Chesterfield	4 <sup>th</sup>	200 W. Main St., Chesterfield, SC 29709	843-623-2574
Clarendon	3 <sup>rd</sup>	3 W. Keitt St., Manning, SC 29102	803-435-5120
Colleton	14 <sup>th</sup>	101 Hampton St., Walterboro, SC 29488	843-549-5791
Darlington	4 <sup>th</sup>	One Public Square, Darlington, SC 29532	843-398-4330
Dillon	4 <sup>th</sup>	301 W. Main St., Dillon, SC 29536	843-774-1425
Dorchester	1 <sup>st</sup>	5200 E. Jim Bilton Blvd., St. George, SC 29477	843-563-0120
Edgefield	11 <sup>th</sup>	129 Courthouse Square, Edgefield, SC 29824	803-637-4080
Fairfield	6 <sup>th</sup>	101 S. Congress St., Winnsboro, SC 29180	803-712-6526
Florence	12 <sup>th</sup>	180 N. Irby St., MSC-E, Florence, SC 29501	843-665-3031
Georgetown	15 <sup>th</sup>	401 Cleland St., Georgetown, SC 29442	843-545-3036
Greenville	13 <sup>th</sup>	305 E. North St., Ste. 232, Greenville, SC 29601	864-467-8551
Greenwood	8 <sup>th</sup>	528 Monument Street, Greenwood, SC 29646	864-942-8546
Hampton	14 <sup>th</sup>	1 Elm St., Courthouse Square, Hampton, SC 29924	803-914-2250
Horry	15 <sup>th</sup>	1301 Second Ave., Conway, SC 29526	843-915-5080
Jasper	14 <sup>th</sup>	265 Russell St., Ridgeland, SC 29936	843-726-7710
Kershaw	5 <sup>th</sup>	1121 Broad St., Camden, SC 29020	803-425-7223
Lancaster	6 <sup>th</sup>	104 N. Main St., Lancaster, SC 29720	803-285-1581
Laurens	8 <sup>th</sup>	100 Hillcrest Square, Laurens, SC 29360	864-984-3538
Lee	3 <sup>rd</sup>	123 S. Main St., Bishopville, SC 29010	803-484-5341
Lexington	11 <sup>th</sup>	205 E. Main St., Lexington, SC 29072	803-785-8212
Marion	12 <sup>th</sup>	103 N. Main St., Marion, SC 29571	843-423-8240
Marlboro	4 <sup>th</sup>	105 Main St., Bennettsville, SC 29512	843-479-5613
McCormick	11 <sup>th</sup>	133 S. Mine St., McCormick, SC 29835	864-852-2195
Newberry	8 <sup>th</sup>	1226 College St., Newberry SC 29108	803-321-2110

Oconee	10 <sup>th</sup>	205 W. Main St., Walhalla, SC 29691	864-638-4280
Orangeburg	1 <sup>st</sup>	151 Docket St., Orangeburg, SC 29115	803-533-6243
Pickens	13 <sup>th</sup>	214 E. Main St., Pickens, SC 29671	864-898-5867
Richland	5 <sup>th</sup>	1701 Main St., Columbia, SC 29201	803-576-1929
Saluda	11 <sup>th</sup>	100 E. Church St., Saluda, SC 29138	864-445-4500
Spartanburg	7 <sup>th</sup>	180 Magnolia St., Spartanburg, SC 29306	864-596-2591
Sumter	3 <sup>rd</sup>	141 N. Main St., Sumter, SC 29150	803-436-2237
Union	16 <sup>th</sup>	210 W. Main St., Union, SC 29379	864-429-1630
Williamsburg	3 <sup>rd</sup>	125 W. Main St., Kingstree, SC 29556	843-355-9321
York	16 <sup>th</sup>	1070 Heckle Blvd., Rock Hill, SC 29732	803-909-7100

## **Defendant Visitation Checklist**

- Once you are served with a Summons and Complaint for Visitation, complete the Answer. Also, complete the section of the Financial Declaration Form that applies to you and have the form notarized.
- File the completed Answer and Financial Declaration Form with the Clerk of Court's office **within 30 days after service.**
- Mail a clocked copy of the Answer and Financial Declaration Form to the Plaintiff or Plaintiff's attorney **within 30 days after service.**
- Complete and file the Affidavit of Service by Mailing (Answer).
- The Plaintiff or Plaintiff's attorney will then mail you a Notice of Hearing, which will give you the date and time of your hearing.
- Make sure you have appropriate childcare for the day of your hearing.
- Arrive on the day of your hearing at least 30 minutes early and dress appropriately. Turn off your cell phone and remove your hat.
- At the hearing the Plaintiff and his/her witnesses will testify first. The Judge will give you the opportunity to question the Plaintiff and his/her witnesses and present your case.
- At the end of the hearing, the Judge may grant or deny the Plaintiff's request or tell you a decision will come later. The Judge may sign the Plaintiff's Order (Visitation) or make his or her own order.
- If the Judge signs an order at the hearing, be sure that the signed Order (Visitation) is filed with the Clerk of Court's office and you receive a clocked copy for your files.
- If the Judge does not sign the order at the hearing, a copy will be mailed to you.